

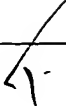



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,571	09/15/2003	James J. Porebski	depie0903div	9735
23580	7590	09/10/2004	EXAMINER	
MESMER & DELEAULT, PLLC 41 BROOK STREET MANCHESTER, NH 03104			LOWE, MICHAEL S	
			ART UNIT	PAPER NUMBER
			3652	
DATE MAILED: 09/10/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<div style="text-align: center;">    <b>Office Action Summary</b> </div>	<b>Application No.</b> 10/662,571	<b>Applicant(s)</b> POREBSKI ET AL.	
	<b>Examiner</b> M. Scott Lowe	<b>Art Unit</b> 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/15/03</u> .   | 6) <input type="checkbox"/> Other: ____.                                    |

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Hall (US 1,256,688).

Re claim 1, Hall teaches a method of removing and supporting an object (pole attachment or tree limb in the figures), said method comprising:  
removably attaching a swingarm assembly (not numbered) around an object extension (pole or tree in the figures), said swingarm assembly having a swingarm 15 and an object support assembly (not numbered) connected to said swingarm;  
positioning said swingarm 15 over said object;  
attaching said object support assembly to said object;  
disconnecting said object from said object extension; and  
pivoting said swingarm 15 about said swingarm assembly and moving said object away from said object extension.

Re claim 2, Hall teaches adjusting said object support assembly (not numbered) to a length proximate to said object.

Re claim 3, Hall teaches inserting said swingarm 15 into a swingarm sleeve 13, 19 of said swingarm assembly.

Re claims 4,11, Hall teaches re-pivoting said swingarm 15 about said swingarm assembly and moving said object adjacent said object extension, re-connecting said object to said object extension and disconnecting said object support assembly from said object.

Re claims 5,12, Hall teaches removing said swingarm assembly (not numbered) from said object extension (pole or tree in the figures).

Re claim 6, Hall teaches a method of supporting and removing an object (pole attachment or tree limb in the figures) from a support structure (pole or tree in the figures), said method comprising:  
attaching a removable swingarm retainer assembly (not numbered) around an object extension (pole or tree in the figures);  
inserting a swingarm 15 into a swingarm sleeve 13,19 of said removable swingarm retainer assembly;  
attaching an object support assembly (not numbered) to said swing arm 15;  
positioning said swingarm wherein said object support assembly is adjacent said object;  
securing said object support assembly to said object;  
disconnecting said object from said support structure; and  
pivoting said swingarm about said swingarm sleeve moving said object away from said structure.

Re claim 7, Hall teaches positioning a U-shaped retaining member 22,23,29,17 around said object extension and securing a channel member 10,30,22,23,17 having said swingarm sleeve to said U-shaped retaining member.

Re claim 8, Hall teaches positioning first and second channel members 10,30,22,23,17 about said object extension and attaching a pair of retaining members 29 or 22,23 etc., between said first and second channel members wherein said object extension is between said first and second channel members and said pair of retaining members.

Re claim 9, Hall teaches a jaw appendage (various, 29,18, edges of 10, etc.) on a surface of one of said first and second channel members wherein said jaw appendage is in contact with said object extension when said swingarm retainer assembly is attached to said object extension.

Re claim 10, Hall teaches another jaw appendage (various, 29,18, edges of 10, etc.) on a surface of the other of said first and second channel members wherein said another jaw appendage is in contact with said object extension when said swingarm retainer assembly is attached to said object extension.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Baziuk (US 5,617,963) teaches a method of removing an object.

Mottola (US 4,080,998) teaches U-bolt connections.

Meuschke (US 4,519,519) teaches a method of removing an object.

Stilwell (US 510,300) teaches a method of removing an object.

Michael (US 971,686) teaches a method of removing an object.

Williams (US 5,056,673) teaches a method of removing an object.

Giannoglou (US 6,129,225) teaches a method of removing an object.

Beekes (US 4,456,135) teaches a method of removing an object.

Zareck (US 5,403,053) teaches a method of removing an object.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Scott Lowe whose telephone number is 703-305-1940. The examiner can normally be reached on 6:30am-4:30pm M,Tu,Th,F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on 703-308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

msl



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